

1. This Consent Decree resolves all issues raised in EEOC Charge No. 451-2015-01638C (the “Charge”). This Decree further resolves all issues in the Complaint and Complaint in Intervention in this civil action. The EEOC and Intervenor waive further claims and/or litigation on all issues raised in the above-referenced Charge and Complaints. The EEOC does not waive processing or litigating Charges other than the above-referenced Charge.

2. During the term of this Consent Decree, Defendant is enjoined from any illegal employment practice that discriminates on the basis of disability with respect to recruitment, placement, hiring, termination, or any other employment action, and Defendant further agrees not to illegally retaliate in any way against any person because of opposition to any practice declared unlawful under the Americans with Disabilities Act of 1990, as amended, or because of the filing of a charge, giving testimony, or assisting or participating in any manner in any investigation, proceeding or hearing.

3. Within 90 days after the effective date of this Consent Decree, Defendant shall implement a policy for communication with deaf or hearing-impaired applicants to ensure they are able to apply for open positions at Blue Cross Blue Shield of Texas without any illegal barriers.

4. Defendant shall post the Notice appended hereto as Attachment “A” on the employee bulletin board at all of its Texas facilities, within thirty (30) days after the entry of this Consent Decree. Defendant will report to the EEOC that it has complied with this requirement within 14 days after posting the Notice. The Notice shall remain posted during the term of this Consent Decree.

5. For each year that the Consent Decree is in effect, Defendant agrees to conduct an annual training session for the Defendant’s Workforce Solutions Consultants, advising them of

the requirements and prohibitions of the federal anti-discrimination laws with a special emphasis on the ADA, as amended by the ADAAA. The training will inform these individuals of the complaint procedures for individuals who believe that they are being discriminated against by Defendant. This annual training will also advise employees of the consequences imposed upon Defendant for violating the ADA, as amended by the ADAAA. The training will also include a specific discussion or instruction relating to definitions of disability under the ADA, as amended by the ADAAA, the hiring process, and the interactive, reasonable accommodation process. Defendant shall utilize the Commission's EEOC Compliance Manual section on the ADA and the Commission's Enforcement Guidance "Questions and Answers about Deafness and Hearing Impairments in the Workplace and the Americans With Disabilities Act," issued on July 26, 2006, as a model for the training.

6. Defendant shall impose discipline -- up to and including termination -- upon any supervisor, manager, or human resources employee who is found to have engaged in illegal discrimination on the basis of disability, or permitted any such conduct to occur in his or her work area or among employees under his or her supervision. Defendant shall communicate this policy to all of their supervisors, managers, and human resources employees.

7. Defendant shall advise all managers, and supervisors of their duty to actively monitor their worksites to ensure employees' compliance with the company's policy against discrimination on the basis of disability, and to report any incidents and/or complaints of discrimination, on the basis of disability, of which they become aware to the persons charged with handling such complaints, provided that such persons are not the individuals alleged to have perpetrated such discrimination.

8. Defendant shall remove from any files relating to Sheryl Meador any and all documents, entries and references relating to the matters underlying the issues leading to the underlying Charge of Discrimination and this lawsuit, other than those documents Defendant is required by law to retain.

9. Defendant agrees to pay to Intervenor the total amount of \$75,000.00, less legally-required withholdings, for all alleged damages in this case. Defendant agrees to report to the EEOC within 30 days of entry of this Consent Decree regarding its compliance with this paragraph.

10. All reports to the EEOC required by this Decree shall be sent to Heather Nodler, Trial Attorney, EEOC, 207 South Houston Street, Third Floor, Dallas, Texas 75202.

11. Neither the EEOC, the Intervenor, nor Defendant shall contest the validity of this Consent Decree nor the jurisdiction of the federal district court to enforce this Consent Decree and its terms or the right of either party to the Consent Decree to bring an enforcement action upon breach of any term of this Consent Decree by either such party. Nothing in this Decree shall be construed to preclude the EEOC from enforcing this Decree in the event that Defendant fails to perform the promises and representations contained herein. The EEOC shall be authorized to seek compliance with the Consent Decree through civil action in the United States District Court. The EEOC also reserves the right to seek contempt sanctions for non-payment and non-compliance with this Court Order.

12. The term of this Consent Decree shall be for two (2) years.

SO ORDERED, ADJUDGED AND DECREED this 18th day of
March, 2019.


SIDNEY A. FITZWATER
SENIOR JUDGE

AGREED AS TO FORM AND SUBSTANCE:

FOR THE PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION:

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

/s/ Robert A. Canino
ROBERT A. CANINO
Regional Attorney
Oklahoma Bar No. 011782

/s/ Suzanne M. Anderson
SUZANNE M. ANDERSON
Supervisory Trial Attorney
Texas Bar No. 14009470

/s/ Heather E. Nodler
HEATHER E. NODLER
Trial Attorney
New York Bar No. 5455340

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Dallas District Office
207 South Houston Street, 3rd Floor
Dallas, Texas 75202
Tel No. (214) 253-2743
Fax No. (214) 253-2749

CONSENT DECREE

FOR THE INTERVENOR:

/s/ Lia S. Davis

LIA S. DAVIS

Texas Bar No. 24071411

DISABILITY RIGHTS TEXAS

2222 W. Braker Ln.

Austin, Texas 78758

Tel No. (512) 407-2763

Fax No. (512) 454-3999

FOR DEFENDANT:

/s/ Mark D. Temple

MARK D. TEMPLE

Texas Bar No. 00794727

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811 Main Street, Suite 1700

Houston, Texas 77002-6110

Tel No. (713) 469-3800

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ATTACHMENT A

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**NOTICE RELATING TO REASONABLE
ACCOMMODATION FOR
DISABLED APPLICANTS AND EMPLOYEES**

This NOTICE will be conspicuously posted for a period of two (2) years at this facility. It must not be altered, defaced, or covered by any other material.

PURPOSE: It is the purpose of this policy to reaffirm and amplify the position of the Americans With Disabilities Act of 1990, as amended, and the Equal Employment Opportunity Commission's guidelines and to reiterate Blue Cross Blue Shield of Texas' policy on disability discrimination. Discrimination of any kind can and often will detract from employees' job performance, discourage employees from remaining on the job, keep employees from advancing in their careers and lower overall employee morale and productivity. It is the policy of Blue Cross Blue Shield of Texas that discrimination is unacceptable and will not be condoned.

SCOPE: This policy extends to all applicants and employees of Blue Cross Blue Shield of Texas, both management and non-management.

POLICY: An employer cannot discriminate against qualified applicants and employees on the basis of disability. Under the Americans with Disabilities Act (ADA), an individual with a disability is a person who (a) has a physical or mental impairment that substantially limits one or more major life activities; (b) has a record of impairment; or (c) is regarded as having such impairment. The ADA also prohibits discrimination against a person because of their association or relationship with an individual with a known disability. This prohibition covers all aspects of the employment process, including:

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| * application | * promotion |
| * testing | * medical examinations |
| * hiring | * layoff/recall |
| * assignments | * termination |
| * evaluation | * compensation |
| * disciplinary actions | * leave |

Blue Cross Blue Shield of Texas hereby states that the harassment of employees with disabilities is strictly prohibited. Harassment is a form of misconduct that undermines the integrity of the employment relationship. No disabled employee should be subjected to unsolicited and unwelcome name-calling, "jokes," comments or other harassing conduct, either verbal or physical, because of their disability.

Further, under the ADA, an employer must make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would cause an undue hardship on the operation of its business. Some examples of reasonable accommodation include:

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- making existing facilities used by employees readily accessible to, and usable by, an individual with a disability;
- job restructuring;
- modifying work schedules;
- reassignment to a vacant position;
- acquiring or modifying equipment or devices;
- providing accessible versions of application or work materials (e.g., closed-captioning for audio and alternative text for images); or
- providing qualified readers or sign language interpreters

COMMUNICATION WITH APPLICANTS OR EMPLOYEES WHO ARE DEAF: There are many ways for hearing persons to communicate with applicants or employees who are deaf or otherwise have hearing impairments. Applicants for positions at Blue Cross Blue Shield of Texas should not be denied the opportunity to seek employment simply because part of the application process is an examination that contains an inaccessible audio portion. Blue Cross Blue Shield of Texas will provide an alternative method of examination for persons who are unable to hear or otherwise access the information contained in the audio portion of any examination because of their disability.

RESPONSIBILITY: Each level of management is responsible for ensuring that all personnel policies, procedure, and activities are in full compliance with applicable federal, state, and local equal employment laws, statute, rules, and regulations regarding discrimination and retaliation. Employees are expected to read, understand, and follow the policies that Blue Cross Blue Shield of Texas has established to prevent discrimination and retaliation.

REPORTING PROCEDURES: Any applicant or employee who believes that he or she has been subjected to discrimination is expected to report the conduct as soon as possible to either that person's immediate supervisor, any supervisor or manager with Blue Cross Blue Shield of Texas or to the Human Resources Department. The Human Resources Department may be contacted at _____ or by telephone at _____. Supervisors and managers who are informed of an alleged incident of discrimination, including harassment, must immediately notify the Human Resources Department.

An applicant or employee either, alternatively or in addition to reporting such an allegation to company officials, may contact the U.S. Equal Employment Opportunity Commission for the purposes of filing a charge of employment discrimination. The address and telephone number of the U.S. EEOC office is 207 South Houston Street, Third Floor, Dallas, Texas 75202; (800) 669-4000. Information about your rights and how to file a charge is available on the Internet at www.eeoc.gov.

INVESTIGATION OF COMPLAINTS: A complete investigation of each complaint will be undertaken promptly by the Human Resources Department. The investigation may include interviews of all employees and supervisors at the facility, the inspection of documents, including personnel records, and full inspection of the premises.

PUNISHMENT FOR VIOLATION: Employees engaged in discriminatory conduct, including supervisors, managers, and human resources employees, can expect serious disciplinary action. After appropriate investigation, any employee, whether management or non-management, who has been found to have discriminated against another employee or applicant will be subject to discipline, up to and including termination of employment.

RETALIATION: There shall be no retaliation against any employee because that person has opposed what they reasonably believe to be unlawful employment practices, or has filed a charge of discrimination, or has given testimony, assistance, or has participated in any manner in any investigation, proceeding or hearing under The Americans With Disabilities Act of 1990, as amended. Blue Cross Blue Shield of Texas will not punish you for reporting discrimination simply because you have made a complaint under the above guidelines.

PROTECTION OF PRIVACY: The question of whether a particular action or incident constitutes discrimination requires a determination based on all available facts. Blue Cross Blue Shield of Texas will therefore make a concerted effort to protect the privacy of all personnel. Confidential information will be shared on a need-to-know basis to complete the investigation and to deal appropriately with the situation.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE REMOVED OR DEFACED BY ANYONE. THIS NOTICE WILL BE POSTED FOR A PERIOD OF TWO YEARS.

Signed this _____ day of _____, _____.

On Behalf of:
Blue Cross Blue Shield of Texas